

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-1985 JGB (SHKx)**Date **August 1, 2023**Title ***Michael Bavin v. Arrowhead Credit Union***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause (IN CHAMBERS)**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a)(1). In the present case, it appears that one or more of these time periods has not been met.

Additionally, Rule 41(b) of the Federal Rules of Civil Procedure grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff may have failed to prosecute this case with reasonable diligence because the case has been largely dormant for seven months.

Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **August 10, 2023** why this action should not be dismissed as to the applicable defendant(s) for failure to effectuate service and lack of prosecution. The Court finds that this matter is appropriate for submission without oral argument and the Order to Show Cause (“OSC”) will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by Plaintiff is due. See Fed. R. Civ. P. 78. Failure to timely or adequately

respond to this OSC may, without further warning, result in the dismissal of the entire action without prejudice.

**IT IS SO ORDERED.**